

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

**Wireless E911 Location
Accuracy Requirements**

PS Docket No. 07-114

**TAMPNET INC. PETITION FOR WAIVER
OF 911 LOCATION ACCURACY REQUIREMENTS**

Tampnet Inc. (“Tampnet”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Commission’s Rules¹ and the Commission’s *Fourth Report and Order*,² hereby seeks a waiver of its obligation to comply with the Commission’s 911 indoor location accuracy rules.

Recently the Commission approved Tampnet’s acquisition of certain wireless licenses and related authorizations necessary to deploy a 4G network in the Gulf of Mexico.³ As the Commission recognized in its order approving the acquisition of those licenses, the Gulf is a “unique off-shore environment”⁴ distinct from every other domestic market in the U.S., and providing wireless services in that market necessarily presents unique challenges. Indeed, the Gulf is not served by a single traditional public safety answering point, does not have ubiquitous cell site coverage, and is “populated” almost exclusively by a workforce supporting the oil and

¹ 47 C.F.R. §§ 1.3, 1.925.

² *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd 1259, at ¶ 157 (2015) (hereafter the “*Fourth Report and Order*”).

³ *In the Matter of Applications of AT&T Mobility Spectrum LLC, Tampnet Inc., Tampnet Licensee LLC, Broadpoint License Co., LLC, and Broadpoint Wireless License Co., LLC, for Consent To Assign Licenses and Approval of Long-Term De Facto Transfer Spectrum Leasing Arrangements*; Memorandum Opinion and Order and Declaratory Ruling, 31 FCC Rcd 7890 (2016) (“*Tampnet Transfer of Control Order*”).

⁴ *Id.* at ¶ 2 (considering the “specific and unique conditions in the Gulf of Mexico” in its public interest analysis).

gas exploration and production industry (and those industries serving the oil and gas industry). In this environment indoor location 911 data is neither necessary nor relevant. Further, because of the lack of cell sites in the Gulf, there are simply not enough sites needed to triangulate a caller's location. Accordingly, because the Gulf is a unique market that does not require indoor location data, or have the necessary network infrastructure facilities to develop such data, the Commission should waive the requirement that Tampnet certify its compliance with the Commission's 911 indoor location accuracy requirements.

BACKGROUND

Tampnet is a wireless infrastructure and service provider in the Gulf of Mexico. Tampnet and its parent company, Tampnet AS, currently operate two offshore, high capacity communication networks serving approximately 250 oil and gas platforms, floating production storage and offloading units and exploration rigs in the Gulf of Mexico and the North Sea.⁵ In July, 2016 the Commission consented to Tampnet's acquisition of wireless spectrum and satellite earth station authorizations that would be utilized to deploy and operate a planned 4G LTE network that will meet the demands of consumers of wireless data and voice services in the Gulf of Mexico.⁶ Since that time Tampnet has been working diligently to deploy network facilities in the Gulf necessary to deliver the promised 4G LTE voice and data services to its customers.

As the Commission recognizes, deploying a network in the Gulf, "a body of water with no permanent residents, and with varied weather conditions, ... presents particular operating challenges for mobile networks."⁷ Given the limited number of providers serving this market, there are relatively few cell sites located within the Gulf. As a result there are few, if any,

⁵ *Id.* at ¶ 4.

⁶ *Tampnet Transfer of Control Order* at ¶ 45.

⁷ *Id.* at ¶ 23.

locations where at least three cell sites are visible to a handset, thereby making triangulation technically impossible.

Indeed, based upon its most recent review, Tampnet believes there are approximately 50 cellular base stations built on manned oil and gas production platforms and rigs in the Gulf providing coverage to customers across approximately 120,000 square miles of open water. Even if the manned oil and gas production platforms and rigs that have the cellular base stations onboard were equally spaced throughout the Gulf, this would provide for one cellular base station per 50 square miles (approximately). Non-base station platforms, rigs and boats transitioning through the Gulf will rarely, if ever, be positioned within the necessary three base station coverage areas required to triangulate coordinates. Thus, the necessary network infrastructure needed to use triangulation methods to derive location information simply does not exist in the Gulf.

APPLICABLE WAIVER STANDARDS

As a general matter, the Commission's rules may be waived for good cause shown.⁸ Further, the Commission may also waive its rules or requirements where "particular facts would make strict compliance inconsistent with the public interest."⁹ And the FCC may waive its rules where the requested relief would not undermine the policy objective of the rule in question, where special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.¹⁰

⁸ 47 C.F.R. § 1.3.

⁹ See *AT&T Wireless Services, Inc. et al. v. Federal Communications Commission*, No. 00-1304 (D.C. Cir. 2001), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

¹⁰ *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

Section 1.925(b)(3) of the Rules provides that the Commission may grant a waiver of its rules pertaining to wireless radio services if it is shown that: (i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or, (ii) [i]n view of *unique or unusual factual circumstances of the instant case*, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the application has no reasonable alternative.”¹¹ Thus, under the Commission’s rules and precedent, a rule waiver is appropriate in those instances where the particular facts make strict compliance inconsistent with the public interest if applied to the petitioner. The Commission explicitly acknowledged in its Fourth Report and Order that affected parties could seek a waiver of the 911 location accuracy rules under these standards.

GOOD CAUSE EXISTS TO GRANT THIS WAIVER REQUEST

First responders in the Gulf have not requested, and presumably could not utilize, indoor location data. 911 service calls in the Gulf are not routed to a traditional public safety answering point (“PSAP”). Instead, calls are routed directly to the applicable U.S. Coast Guard station who is responsible for receiving the communication and responding to the request for emergency services. Prior to obtaining the spectrum necessary to deploy the 4G LTE network in the Gulf Tampnet, and its predecessor AirTap, provided voice and certain data services to customers in the Gulf. During that time it has always routed 911 calls to the local U.S. Coast Guard station, who has responded to requests for emergency services. The U.S. Coast Guard has never requested indoor location data from Tampnet, or its predecessor AirTap, nor has the Coast Guard indicated that such information is necessary to respond to emergency service requests. The fact

¹¹ 47 C.F.R. § 1.925 (emphasis added).

is, there is simply no current need for indoor location data given that the Gulf has no permanent residents, and first responders don't utilize that information when responding to requests for emergency services.

Additionally, the unique geographic and topographic nature of the Gulf means that there are insufficient network cell sites available to properly triangulate end user locations. As the Commission has recognized, "triangulation is not technically possible ... [in] locations where at least three cell sites are not sufficiently visible to a handset."¹² As such, because the Gulf does not have widespread cell coverage, like most other domestic markets, service providers like Tampnet do not have access to commonly used tools or methods for obtaining an end user's location information. Thus, obtaining indoor location data in the Gulf presents significant technical challenges given the unique nature of this offshore environment.

Given these circumstances, good cause exists for the Commission to waive the indoor location data requirements for Tampnet. Under Section 1.925(b)(3) waiver is appropriate here because providing indoor location data in the Gulf presents "unique or unusual factual circumstances"¹³ because of the lack of network infrastructure and traditional PSAP apparatuses and systems. Without sufficient cell sites, traditional location tracking methods, such as triangulation, are not available. For that reason, Tampnet would be forced to incur significant expense in order to develop technology that could provide the required indoor location data. Forcing Tampnet to incur those costs would be unduly burdensome and contrary to the public interest. Further, expecting compliance with these strict standards serves no public purpose given that emergency responders in the Gulf have not requested this information. Indeed, there is no evidence that emergency responders in the Gulf could utilize such information.

¹² See, e.g., 47 C.F.R. 20.18(h)(1)(vi).

¹³ 47 C.F.R. § 1.925(b)(3).

The Commission has repeatedly recognized that certain markets that have unique geographic and topographic characteristics may require the Commission to take a more flexible approach to licensing and regulation of service providers serving these markets.¹⁴ The same principle should apply here to the Gulf, which the Commission has acknowledged is a “unique market, that presents particular operating challenges for mobile network[]”¹⁵ providers.

Granting Tampnet relief from these requirements does not undermine the Commission’s overall policy objectives in this proceeding. Because Tampnet is one of the few operators in this very unique market, its circumstances are unlike those of other providers serving traditional markets. Because the Gulf presents unique operational challenges grant of a waiver to Tampnet will not undermine or erode the Commission’s long-standing commitment to ensuring 911 indoor location data in those markets where such data is available and first responders actually use such data. Thus, the operating challenges discussed above, and the absence of any evidence that providing indoor location data is either necessary or desired, provide a basis for the Commission to waive the 911 indoor location accuracy requirements in this instance.

Finally, it should be noted that despite this request for a waiver from the indoor location accuracy requirements Tampnet otherwise actively supports first responders and other emergency service personnel by providing location information and services using existing network technology.

¹⁴ See, e.g., *Applications of AT&T Inc. and Centennial Communications Corp. for Consent To Transfer Control of Licenses, Authorizations, and Spectrum Leasing Arrangements*, Memorandum Opinion and Order, 24 FCC Rcd 13915, 13934, paras. 41-42 (2009) (considering the unique characteristics of Puerto Rico and the U.S. Virgin Islands in part because of their limited geographic scope and isolated nature).

¹⁵ *Tampnet Transfer of Control Order* at ¶ 23.

CONCLUSION

For the foregoing reasons Tampnet respectfully requests that the Commission waive the requirement that that Tampnet comply with the Commission's 911 indoor location accuracy requirements.

Respectfully submitted,

TAMPNET INC.

/s/ **K.C. Halm**

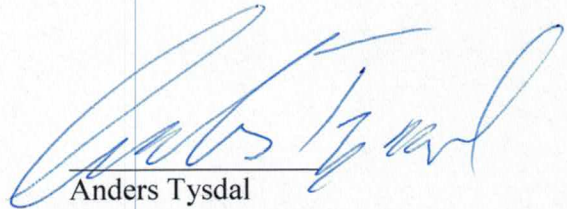
K.C. Halm
Davis Wright Tremaine LLP
Counsel to Tampnet Inc.

Filed: June 2, 2017

VERIFICATION

I, Anders Tysdal, hereby declare under penalty of perjury as follows:

1. I am the Chief Technology Officer of Tampnet Inc.
2. I have reviewed the foregoing Petition for Waiver to be filed with the Federal Communications Commission and verify that the factual information and representations therein are true and correct to the best of my knowledge, information and belief.



Anders Tysdal
CTO
Tampnet Inc.

6/1/2017

Date

CERTIFICATE OF SERVICE

I, K.C. Halm, hereby certify that on this 2nd day of June, 2017, copies of the foregoing Waiver Request were sent by email, in PDF format, to the following individuals and entities:

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